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In re Application of: Min-Bon Koo)
U.S. Patent No. 7,231,779) **DECISION ON CITATION OF PRIOR**
Issued: June 19, 2007) **ART UNDER 37 CFR §1.501**
For: FAN ASSEMBLY FOR)
REFRIGERATOR)

This communication is in response to the submission by the patent owner filed on December 1, 2008 under 37 CFR §1.501 for this U.S. patent.

Citation of prior art must comply with 35 USC 301 and 37 CFR § 1.501. Further guidance for the content of the prior art citation can be found in MPEP 2205, which states, in pertinent part, the following:

Pursuant to 35 U.S.C. 301, an explanation is required of how the person submitting the prior art considers it to be pertinent and applicable to the patent, as well as an explanation of why it is believed that the prior art has a bearing on the patentability of any claim of the patent. The prior art citation must, at a minimum, contain some broad statement of the pertinency and applicability of the art submitted to the patentability of the claims of the patent for which the prior art citation is made. The explanation of why it is believed that the prior art has a bearing on the patentability of any claim of the patent would be met, for example, by a statement that the art submitted in the prior art citation under 37 CFR 1.501 was made of record in a foreign or domestic application having the same or related invention to that of the patent. The explanation of how the person submitting the prior art considers it to be pertinent and applicable to the patent would set forth, for at least one of the patent claims, how each item cited shows or teaches at least one limitation of the claim. Citations of prior art by patent owners may also include an explanation of how the claims of the patent differ from the prior art cited. [Emphasis added.]

The submission included a statement the art submitted was made of record in a foreign application. However, the paper is improper because there is no statement the foreign application was the same or related invention to that of the patent, and the art's bearing on the patentability of the claims. While not a requirement, it is also encouraged that the patent owner "include an explanation of how the claims of the patent differ from the prior art cited."

Further MPEP 2205 states,

It is preferred that copies of all the cited prior art patents or printed publications and any necessary English translation be included so that the value of the citations may be readily determined by persons inspecting the patent files and by the examiner during any subsequent reissue or reexamination proceeding.

Due to these deficiencies, the December 1, 2008 submission will not be made of record and the papers are being returned to the patentee's representative.

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